IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 2820 of 2005

Between:

D.Prabhakar Rao, S/o.D.Prakash Rao,
Ananthapur, Ananthapur District.

..... PETITIONER

AND

1 The Commissioner, Intermediate Education, (Andhra Pradesh) Hyderabad.
2 The District Vocational Educational officer, Ananthapur.
3 The Regional Joint Director, Intermediate Education, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any order or direction or a writ, more particularly a writ in the nature of Mandamus declare the 1st respondent proceedings issued in

Rc.No.Ser./1/3/3051/2005, dated 28-1-2005 transferring the petitioner from the post of principal of the government Junior College (O.T) Anathapur to the principal, Government Junior College, Tanakallu is illegal, arbitrary and discriminatory and violative of Article-14, 16, 21 of the constitution of India and consequently direct the Respondents to continue the petitioner as principal, Govt., Junior College (O.T) Anathapur, by set-aside the impugned judgment passed in O.A.No.404/05 dated 14-2-05 and to pass such other order or orders as the Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.DEVADAS

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 14.02.2005, passed by the Andhra Pradesh Administrative Tribunal in O.A.No.404 of 2005.

2. The petitioner was transferred as Principal from Government Junior College, Ananthapur, to Government Junior College, Tanakallu, vide proceedings RC.No.Ser.1-3-3051/2005, dated 28.01.2005. The said order came to be challenged before the Tribunal.

3. However, the Tribunal, after considering the matter, disposed of the O.A. with a direction that the petitioner shall file a representation to the Government and the same shall be considered according to Rules. Against which the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the transfer cannot be affected on disciplinary grounds, and therefore, the order of transfer gets vitiated and is liable to be set aside.

5. We are unable to accept the contention raised by the learned counsel.

6. It is open for the petitioner to make a detailed representation to the Government

explaining the reasons. Under those circumstances, we do not find any ground to interfere with the order of the Tribunal.

7. In the result, the Writ Petition is disposed of with a direction that the petitioner shall file a representation to the Government within a period of three weeks from the date of receipt of a copy of this order and on such representation having been filed by the petitioner, the Government shall dispose of the same within a period of three weeks therefrom. Until such time the representation is disposed of, the petitioner shall be continued as Principal, Government Junior College (old town), Ananthapur, Ananthapur District.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 18.02.2005

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To

1 The Commissioner, Intermediate Education, (Andhra Pradesh) Hyderabad.
2 The District Vocational Educational officer, Ananthapur.
3 The Regional Joint Director, Intermediate Education, Cuddapah.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to the G.P. for Services-I, High Court of A.P., Hyderabad (OUT).

6 2 CD copies.